

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

January 14, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Harper, bailiff.

C053755 BROOKS v. STEARNS

Cause called. Sharon Claire Brooks argued for appellant in pro per. Timothy H. Stearns argued for respondent in pro per. Cause submitted.

At 9:40 a.m., the court recessed. At 9:45 a.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C054249 BOWLER et al. v. EDMUND G. BROWN, JR., as Attorney General, etc.

Cause called. Erik R. Hartstrom argued for appellants. Jennifer K. Rockwell, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:05 a.m., the court recessed. At 10:13 a.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C052464 THE PEOPLE v. HARPER

Cause called. Ralph H. Goldsen, court appointed counsel, argued for appellant. Brook A. Bennigson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:56 a.m. court recessed, until January 15, 2008 at 9:30 a.m.

C056033 THE PEOPLE v. KARR

(Not For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Sims, Acting P.J.
 Nicholson, J.

C052802 CASSIDY v. CASSIDY

(Not For Publication)

The judgment is affirmed. The parties shall bear their own costs. ...

BLEASE, Acting P.J.

We Concur: Davis, J.
 Robie, J.

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Court Minutes

January 14, 2008, continued

**C055713 In re T.P. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. DEBORAH C.**

The orders of the juvenile court are affirmed.

SCOTLAND, P.J.

We Concur: Blease, J.

Hull, J.

**C057367 GRILLO v. MEDICAL BOARD OF CALIFORNIA
BY THE COURT:**

Appellant's petition for rehearing is denied.

RAYE, Acting P.J.

January 15, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Nicholson, Associate Justice; and Haskett, bailiff.

**C055711 VERGA v. WORKERS' COMPENSATION APPEALS BOARD; UNITED
AIRLINES et al.**

Cause called. Roy C. Levin argued for petitioner. Ohnmar M. Shin argued for respondents United Airlines et al. There was no appearance made for respondent Worker's Compensation Appeals Board. Cause submitted.

At 10:00 a.m., the court recessed. At 10:03 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

**C055056 CALIFORNIA CONSUMER HEALTH CARE COUNCIL, INC. et al. v.
CALIFORNIA DEPARTMENT OF MANAGED HEALTH CARE et al.**

Cause called. Harvey Stuart Frey argued for appellants. Michael McClelland argued and Amal A. Abu-Rahma appeared only for respondents. Cause submitted.

At 10:40 a.m., the court recessed. At 10:43 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

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January 15, 2008, continued

C056414 THE PEOPLE v. OFOE

Cause called. Order to Show Cause hearing held. Linda Ricci appeared on her own behalf. Exhibits 1 and 2 were admitted into evidence. After reviewing the exhibits, Sims, J. requested recusal. Butz, J. replaced Sims, J. Linda Ricci fined \$400 to be paid to the court by close of business on 02/14/08.

C054250 THE PEOPLE v. TUGGLES et al.

Cause called. Order to Show Cause hearing held. Linda Ricci appeared on her own behalf. Exhibits 1 and 2 were admitted into evidence. After reviewing the exhibits, Sims, J. requested recusal. Butz, J. replaced Sims, J. Linda Ricci fined \$500 to be paid to the court by close of business on 02/14/08.

At 11:35 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Butz, Associate Justice; and Raye, Associate Justice.

C053534 THE PEOPLE v. GAY

Cause called. Charles M. Bonneau argued for appellant. Kelly E. LeBel, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:39 p.m. court recessed, until January 16, 2008 at 9:30 a.m.

**C052816 DAVID A. HIRSCH, as Trustee, etc., et al. (Not For Publication)
v. JANSSEN et al.**

THE COURT:

It is ordered that the opinion filed in this case on December 20, 2007, be modified as follows ...

There is no change in the judgment.

Respondents' motion to augment record on appeal and request to take judicial notice is granted.

Respondents' joint petition for rehearing is denied.

BY THE COURT:

DAVIS, Acting P.J.

Nicholson, J.

Butz, J.

January 16, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Robie, Associate Justice; Butz, Associate Justice; Cantil-Sakauye, Associate Justice; and Haskett, bailiff.

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January 16, 2008, continued

C053067 GALLO CATTLE COMPANY v. A.G. KAWAMURA, as Secretary, etc.

Cause called. Marshall C. Whitney and Brian C. Leighton argued for appellant. Linda Berg Gandára argued and William A. Wineberg and Daniel M. Fuchs, Deputy Attorney General, appeared only for respondent. Cause submitted.

At 9:59 a.m. court recessed, until January 18, 2008 at 9:30 a.m.

C052019 THE PEOPLE v. MONTANEZ (Not For Publication)

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that defendant was convicted in count 14 of violating Penal Code section 273a, subdivision (a), not section 273, subdivision (A) (1). The trial court is further directed to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

BLEASE, Acting P.J.

We Concur: Sims, J.
 Davis, J.

C054208 THE PEOPLE v. JIMENEZ (Not For Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Davis, J.
 Nicholson, J.

C052417 BAKER et al. v. GODDARD et al. (Not For Publication)

As to Baker's claims of easement by necessity, easement by prescription, and equitable easement the judgment is affirmed. The order granting fees and costs to defendants ... is reversed. The parties shall bear their own costs on appeal. ...

SIMS, Acting P.J.

We Concur: Nicholson, J.
 Butz, J.

**C052192 In re MATHEW W.; THE PEOPLE v. (Not For Publication)
 MATHEW W.**

The judgment (order) is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.
 Robie, J.

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January 16, 2008, continued

**C054508 In re J.M. et al; SACRAMENTO COUNTY
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. BRUCE M. et al.**

BY THE COURT:

Respondent's request to publish the opinion filed on December 31, 2007,
is denied.

DAVIS, Acting P.J.

January 17, 2008

C052662 THE PEOPLE v. CLEMENS (Not For Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C053460 THE PEOPLE v. ALLRED (Not For Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Hull, J.

Cantil-Sakauye, J.

C053946 THE PEOPLE v. BANDY (Not For Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.

Hull, J.

C054237 THE PEOPLE v. SWAFFORD (Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Davis, Acting P.J.

Cantil-Sakauye, J.

C054760 THE PEOPLE v. NORTON (Not For Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

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January 17, 2008, continued

- C055245 THE PEOPLE v. PRICE (Not For Publication)**
The matter is remanded to the superior court to clarify whether it intended to impose fines ... in the amounts of \$200 or \$3,200. If the abstract of judgment thereafter requires amendment, the superior court shall prepare and transmit an amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Davis, J.
- C056041 THE PEOPLE v. JOHNSON (Not For Publication)**
The judgment is affirmed, but the sentence is vacated and the matter is remanded to the trial court for resentencing in accordance with this opinion.
ROBIE, J.
We Concur: Blease, Acting P.J.
Sims, J.
- C055158 RUDELL v. VISCIA (Not For Publication)**
The order denying the motion to strike is affirmed as to the first cause of action ... in Ruddell's complaint. The order is reversed as to the second ... and third ... causes of action, and the trial court is directed to enter a new order granting the motion to strike as to those causes of action. Each party is to bear his own costs on appeal. ...
ROBIE, J.
We Concur: Blease, Acting P.J.
Sims, J.
- C053174 KUBAT et al. v. HENDERSON et al. (Not For Publication)**
The judgment is affirmed. Henderson shall recover costs on appeal.
RAYE, J.
We Concur: Scotland, P.J.
Blease, J.
- C050299 BURDETTE v. CARRIER (Certified For Publication)**
CORPORATION et al.
The judgment is reversed. Defendants shall recover their costs on appeal.
BLEASE, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.

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January 18, 2008

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Robie, Associate Justice; Butz, Associate Justice; and Harper, bailiff.

C054588 JOHNSON v. MILLER

Cause called. James R. Mehlhaff argued for appellant. Jineen T. Espinosa argued for respondent. Cause submitted.

At 10:06 a.m., the court recessed. At 10:12 a.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C051061 BARE v. LAKE SHASTINA COMMUNITY, etc., et al.

Cause called. James K. Ward argued for appellants. John G. Heller argued for respondent. Cause submitted.

At 10:34 a.m., the court recessed. At 10:37 a.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C052381 THE PEOPLE v. SUM

Cause called. Robert L. S. Angres, court appointed counsel, argued for appellant. Wanda Hill Rouzan, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:51 a.m., the court recessed. At 10:55 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Robie, Associate Justice.

C051927 THE PEOPLE v. HERNANDEZ

Cause called. Richard A. Levy, court appointed counsel, argued for appellant. Harry Joseph Colombo, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:33 a.m., the court recessed. At 11:34 a.m., the court reconvened.

C052155 THE PEOPLE v. MENDOZA

Cause called. Richard A. Levy, court appointed counsel, argued for appellant. Harry Joseph Colombo, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:52 a.m., the court recessed. At 2:02 p.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

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January 18, 2008, continued

C052530 PRINCE et al. v. SUTTER HEALTH CENTRAL et al.

Cause called. Daniel U. Smith argued and Jeffrey L. Jacobs appeared only for appellants. Barbara S. Perry argued and Patrick A. Lanius appeared only for respondents. Cause submitted.

At 2:32 p.m., the court recessed. At 2:33 p.m., the court reconvened.

C054174 In re ADAM S.; THE PEOPLE v. ADAM S.

Cause called. Stephen M. Hinkle, court appointed counsel, argued for appellant. Robert C. Nash, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:15 p.m. court recessed, until January 22, 2008 at 9:30 a.m.

C052018 THE PEOPLE v. VELA (Not For Publication)

Defendant's conviction for attempted grand theft is reversed and the sentence thereon is vacated. In all other respects, the judgment is affirmed. The trial court is ordered to prepare a corrected abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.
Butz, J.

C054144 THE PEOPLE v. ARMSTRONG (Not For Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Davis, Acting P.J.
Hull, J.

C055663 In re ASHLEY F.; DEPARTMENT OF HEALTH & HUMAN SERVICES v. LONNY F. (Not For Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Davis, J.
Nicholson, J.

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January 18, 2008, continued

**C056295 In re D.G. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. REINA F.**

The orders of the juvenile court denying appellant's petitions for modification as to all three minors and terminating appellant's parental rights as to D.G. are affirmed.

BUTZ, J.

We Concur: Davis, Acting P.J.

Raye, J.